

CITY OF SOMERVILLE
ORDINANCE NO. _____
IN THE BOARD OF ALDERMEN: _____

AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE WITH RESPECT TO MODIFICATIONS TO ARTICLE 15 – LINKAGE TO AMEND THE USES, SQUARE FOOT THRESHOLD, FEE AND FEE RECULATION FORMULA IN SECTIONS 15.2, 15.3 & 15.5.

WHEREAS, SomerVision, the City’s 20 year Comprehensive Plan, includes the goal of ensuring that there is an established basis for fees on development; and,

WHEREAS, OSPCD commissioned a report to update the nexus for the affordable housing linkage fee to fund employment and training services; and,

WHEREAS, specific uses that offer minimum wage jobs, such as commercial laundry are excluded from linkage; and,

WHEREAS, the newly created use clusters are not included in the linkage article; and,

NOW THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended as identified.

1. Article 15: Linkage, Section 15.2. Applicability is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

Applicants seeking special permits, ~~or special permits with site plan review or site plan approval~~ for projects of new construction or substantial rehabilitation (including Planned Unit Developments) to be occupied by any single use or combination of uses referenced in Article 7 except for residential, protected uses (religious purposes, educational purposes by a non-profit educational corporation), nonprofit centers/facilities, buildings and uses owned by the City of Somerville, and artist studio spaces Sections 7.11.6, subsections 3-7 (Recreational Uses which are for profit), 7.11.7 (Office Uses), 7.11.8 (Business Services), 7.11.9 (Sales or Rental of Goods and Equipment), and 7.11.10 (Eating, Drinking, and Transient Accommodations), 7.11.11 (Motor Vehicle Related Sales and Service), 7.11.12, subsections 4-8 and 10 (Commercial and Industrial Services), 7.11.13 (Wholesale Business and Wholesale Storage), 7.11.15, subsections 1-4 (Communications, Utility, and Transportation Uses), 7.11.16, subsection 1 (Accessory Commercial, Industrial, and Institutional Uses), with a total of ~~thirty~~ twenty thousand (320,000) gross square feet or more, including phased projects each phase of which may include less than ~~thirty~~ twenty thousand (320,000) gross square feet, shall contribute a fee established in Section 15.5 in the amount of three dollars and ninety-one cents (\$3.91) per gross square foot above 320,000 gross square feet, which fee shall be referred to as the Project Mitigation Contribution (PMC). Additions to structures shall trigger PMC. Substantial rehabilitation of square footage in buildings for which a PMC has already been made is not subject to payment again.

Note: § 15.2 was amended by Ordinance 2000-6 on September 28, 2000 and Ordinance 2000-8 on May 25, 2000. § 15.2 was amended by Ordinance 1991-10 on January 10, 1991.

2. Article 15: Linkage, Section 15.3. Project Mitigation Contribution is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

The PMC shall be calculated by multiplying ~~three dollars and ninety one cents (\$3.91)~~ the fee established in Section 15.5 times the total number of square feet in the project over and above ~~thirty twenty thousand (\$20,000)~~ gross square feet that are occupied by or will be covered by a certificate of occupancy for any single use or combination of uses referenced in ~~Section 15.2 Sections 7.11.6, subsections 3-7 (Recreational Uses which are for profit), 7.11.7 (Office Uses), 7.11.8 (Business Services), 7.11.9 (Sales or Rental of Goods or Equipment), 7.11.10 (Eating, Drinking, and Transient Accommodations) 7.11.11 (Motor Vehicle Related Sales and Service), 7.11.12, subsections 4-8 and 10 (Commercial and Industrial Services), 7.11.13 (Wholesale Business and Wholesale Storage), 7.11.15, subsections 1-4 (Communications, Utility, and Transportation Uses), 7.11.16, subsection 1 (Accessory Commercial, Industrial, and Institutional Uses), and uses that are accessory thereto.~~

The only purposes for which Project Mitigation Contributions may be used are those set forth in Section 15.1. These purposes include the creation of affordable rental and home ownership units in the City of Somerville as defined in Section 2.2.4 and described in Sections 13.3.2 and 13.3.3, that comply with the long-term affordability provisions of Section 13.3.6.

Applicants who obtain a certificate of occupancy for one (1) phase of a project at a time, shall be required to pay a fee that is based on the number of square feet of space, in excess of ~~thirty twenty thousand (\$20,000)~~ gross square feet for which the certificate of occupancy has been obtained. In the event that certificates of occupancy have been or will be obtained for two (2) or more phases totaling more than ~~thirty twenty thousand (\$20,000)~~ gross square feet, the ~~thirty twenty thousand (\$20,000)~~ gross square foot exemption shall be based on the combined square footage of phases.

The PMC shall be paid to the Somerville Housing Trust Fund established pursuant to Ordinance No. 1989-3 in five (5) equal annual installments upon the issuance of a certificate of occupancy. The remaining four (4) payments of the PMC shall be due and payable annually on the anniversary of the first payment.

Note: § 15.3 was amended by Ordinance 2000-6 on September 28, 2000.

3. Article 15: Linkage, Section 15.5. Formula Recalculation is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

The amount of the Project Mitigation Contribution shall be ~~subject to recalculation of three (3) year from the effective date of this ordinance and every three (3) years thereafter~~ five dollars and fifteen cents (\$5.15) for the base year starting on June 1, 2013 and Planning and Housing Staff shall recalculate the fee every three (3) years from this date and every three (3) years thereafter based on the producer price indexes for material and supply inputs to construction industries prepared by the U.S. Bureau of Labor Statistics to account for

~~inflation. The Planning Board after public notice and hearing may recommend changes to the Board of Aldermen based on a consideration of the current impact of new commercial development on the cost and supply of housing in the City of Somerville.~~

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